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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/550,011	01/23/2006	Gilles Dumortier	0579-1105	5760
465 7590 06/18/2009 YOUNG & THOMPSON 209 Madison Street Suite 500 ALEXANDRIA, VA 22314			EXAMINER PAN, YUWEN	
			ART UNIT 2618	PAPER NUMBER
			MAIL DATE 06/18/2009	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/550,011

**Applicant(s)**

DUMORTIER, GILLES

**Examiner**

YUWEN PAN

**Art Unit**

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 March 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14, 17, 21, 23 and 25-28 is/are pending in the application.
- 4a) Of the above claim(s) 6, 8-14, 19, 20, 22 and 23 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7, 21 and 25-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

***Response to Arguments***

1. Applicant's arguments with respect to claims 1, 2, 4, 5, 7, 10, 17, 21, 25 and 26 have been considered but are moot in view of the new ground(s) of rejection.
2. The applicant argues that the newly added limitation overcomes previous rejection, especially limitation "... microcircuit cards are at least one of a proximity card with a 10cm range and vicinity card with a 70cm range". The examiner agrees, however such limitation is from the well known wireless short range standards as recited in applicant's specification and defined in to ISO/IED 1443, 15693 or 18000 standards and the draft 18000 standard. Since the applicant recites the specific feature of all these standards in with the specification, the examiner considers the part of the specification as the admission from the applicant. Please see following for detail action.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 1, 2, 4, 5, 7, 17, 21, 24-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over by Gorday et al (US006665521B1), hereinafter Gorday in view of Kotzin (US00686501B2) and applicant's admitted prior art (hereinafter Admission).

Per claim 1, Gorday discloses a method of communicating between at least two wireless devices (see figure 2 and item 34 and 36, column 2 and lines 46-52) having contact less

communication means (wireless) , said method involving communication management means (user A, figure 1 and 2, item 29) that employ a command response protocol (, a secondary wireless protocol, see column 2 and lines 14-19) to communicate with said wireless devices, and said method being characterized in that at least one of said wireless device (see item 26, at least one of partner) communicates with said communication management means (user A, item 29) using a wireless technology (secondary protocol) and in that it includes a step consisting in storing a list of said electronic entities in the communication management means (see column 2 and lines 4-20), a list (group) of wireless devices in the communication management means (see column 2 and lines 20-45, column 3 and lines 9-28). Gorday does not teach that the wireless devices are microcircuit cards having contact less communication means. Kotzin teaches that the wireless devices are microcircuit cards having contact less communication means (see figure 2 and item 273 and 275, or removable card item 360). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the references to increase radio modules with single wireless devices. Combination of Gorday and Kotzin does not expressly teach that microcircuit cards are at least one of a proximity card with a 10cm range and vicinity card with a 70cm range. Admission teaches such limitation as part of ISO/IEC 14443 standard and 18000 standards. (see page 3 lines 4-16). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the Admission with the combination of Gorday and Kotzin in order to provide short communication link between the user A and one of partner as in figure 1 of Gorday).

Same arguments apply, *mutatis mutandis*, to claim 27.

Per claim 2, Gorday further teaches that said wireless device constitute a network of acquaintances (see column 2 and lines 40-45, partners).

Per claim 4, Gorday further teaches that each of said at least two electronic entities is associated with a unique identifier (address of each cooperative partner, see figure 3 and item 308).

Per claim 5, Gorday further teaches that each identifier is associated with a service or family code (cooperative diversity network, column 2 and lines 40-50).

Per claim 7, Gorday further teaches that said list includes a new electronic entity, it includes a step of adding the new electronic entity to said network of acquaintances and a function of at least one predetermined criterion (see column 2 and lines 60-column 3 and line 28).

Per claim 10, Gorday further teaches that it involves at least three electronic entities and in that said communication management means are combined with one of said electronic entities (see figure 1, items 12 and 29).

Per claims 17, Gorday further teaches GSM in which inherently use SIM card as microcircuit card for secure purpose (see column 1 and lines 18).

Per claim 21, Gorday further teaches that it ensures continuity of communication involving one of said electronic entities and antenna from a plurality of antennas connected to the communication management means when said electronic entity moves in such a manner that said communication involves another antenna from said plurality of antennas (see column 3 and lines 51-column 4 and lines 29, diversity in which utilize any partner's antenna to receive same information to improve the source's gain).

Per claim 25, Gorday discloses a communication system (see figure 1): at least two wireless devices (see figure 2 and item 34 and 36); a communication management unit (see item 29) that employs a command response protocol (scanning and discovery, see column 2 and lines 20-39) to communication with said at least two wireless devices, said management communication unit having stored therein a list of said wireless devices (partners) wirelessly communication with the said communication management unit (see 2 and lines 20-45), wherein the at least one of said electronic entities (partner 4) communication with said communication management unit (item 29) using a wireless technology (secondary protocol). Gorday does not teach that the wireless devices are microcircuit cards having contact less communication means. Kotzin teaches that the wireless devices are microcircuit cards having contact less communication means (see figure 2 and item 273 and 275, or removable card item 360). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the references to increase radio modules with single wireless devices. Combination of Gorday and Kotzin does not expressly teach that microcircuit cards are at least one of a proximity card with a 10cm range and vicinity card with a 70cm range. Admission teaches such

limitation as part of ISO/IEC 14443 standard and 18000 standards. (see page 3 lines 4-16). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the Admission with the combination of Gorday and Kotzin in order to provide short communication link between the user A and one of partner as in figure 1 of Gorday).

Same arguments apply, *mutatis mutandis*, to claim 28.

Per claim 26, Gorday further teaches that said list of partners in the communication management means includes a list of all said wireless devices in communication with the communication management means separate from a list of said microcircuit cards in communication with other said microcircuit cards (see figure 2 user E is communicating with the management means and separate from other wireless device such as user G).

5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gorday, Kotzin and admission in view of Ghirnkar et al (US006216001B1).

Gorday combination does not expressly teaches storing a message intended for at least one of said at least two electronic entities when the address electronic entity is temporarily out of range of the communication management means. Ghirnkar teaches storing a message intended for at least one of said at least two electronic entities when the address electronic entity is temporarily out of range of the communication management means (see column 4 and lines 16-37). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Ghirnkar with Gorday's system to preserve the quality of service.

### ***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to YUWEN PAN whose telephone number is (571)272-7855. The examiner can normally be reached on 8-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duc Nguyen can be reached on 571-272-7503. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Yuwen Pan/  
Primary Examiner, Art Unit 2618